

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JULY 14, 1992

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS TUESDAY EVENING JULY 14, 1992,
IN REGULAR SESSION. PRESIDENT THOMAS C. HENRY
IN THE CHAIR, COUNCIL ATTORNEY STANLEY A. LEVINE, AND
SANDRA E. KENNEDY CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS _____ VIZ:

BRADBURY <u>Present</u>	EDMONDS <u>Present</u>	GIAQUINTA <u>Present</u>
HENRY <u>Present</u>	LONG <u>Present</u>	LUNSEY <u>Present</u>
RAVINE <u>Present</u>	SCHMIDT <u>Present</u>	TALARICO <u>Present</u>

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR JUNE 23, 1992

SPECIAL _____, 19

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

June 23, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-06-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
23rd day of June 1992.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment

From R2 to RA

DETAILS

Specific Location and/or Address

900 E Cook Road

Reason for Project

Future condominium development.

Discussion (Including relationship to other Council actions)

15 June 1992 - Public Hearing

See Attached Minutes of Meeting

22 June 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a Do Pass recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Richard & Jane Bidlack

City Department

Other

Opponents

Groups or Individuals

Andy Larue/923 Cherry Blossom
Steve Herber/917 Cherry Blossom

Basis of Opposition

-condominium development would not be compatible with area and would devalue existing property.

Staff
Recommendation☒ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

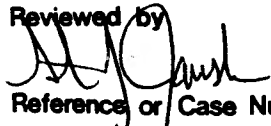
Date 13 May 1992

Projected Completion or Occupancy

Date 23 June 1992

Fact Sheet Prepared by
Patricia Biancaniello

Date 23 June 1992

Reviewed by

Reference or Case Number

Date 24 JUNE 1992

- a. Change of Zone #512
From R2 to RA
900 E Cook Road, immediately west of Shawnee School

Primary Development Plan for Shawnee Place Condominiums

Tom Niezer, attorney, representing the developer, Shalimar Corporation appeared before the Commission. Mr. Niezer pointed out that the parcel is unique in that it is very long and narrow. The dimensions of the lot place certain limitations on possible development on the site. Mr. Niezer stated that they felt the development that they have proposed would fit with the single family character of the area. Mr. Niezer introduced Bill Cartwright, from Shalimar Development Corporation, Kerry Dickmeyer with the engineering firm of Coil & Dickmeyer, and Kevin McCrory, with McCrory & Associates Landscape Architects. Mr. Niezer stated that they have looked at the requests of the staff and have agreed to dedicate an additional 10 foot of right-of-way for a 50 foot total from the centerline of Cook Road. He stated that they do have reservations about the stub street to the west by extending a private drive to the property line in the first 700 feet of lot depth.

Kerry Dickmeyer, the engineer for the project appeared before the Commission. Mr. Dickmeyer stated that this project would consist of 55 units. It would be served by a single private access from Cook Road. He stated that the street would end in a cul-de-sac. He stated that the sanitary sewer runs along the eastern boundary. He stated that they would have an onsite detention basin for additional water runoff. He stated that they have a setback of 25 feet from the east and west sides of the project. They also will be putting in 5' sidewalks along the private street. There is already sidewalk along Cook Road.

Kevin McCrory, the landscape architect, stated that he had met with Tom Cain of Community & Economic Development and that they have done an onsite review of the area. He stated that they intend to keep as much of the natural vegetation as possible. He stated that some of the material on the site is scrub vegetation. But that there are some hard wood trees that they will be retaining. He stated they would be installing a generous entry landscape plan.

Tom Niezer stated that they had three (3) meetings with the area residents. One with the Springwood/Orchard Wood Association, Wheatridge Association and with 2 of the families that are adjacent to the project. He submitted letters from the two associations. The Board of Directors of the Wheatridge Neighborhood Association gave their unanimous support of the Shalimar Development. The Springwood Community Association were not opposed but did have some reservations and requests regarding the development. One of which was the use of Springwood's Community Park which adjoins the development. They stated that Shalimar however, did recognize the concern as a valid one. The letter stated that Shalimar would

propose the possibility of capital improvements being made to the park area at the time of development of the project, and that an annual fee could be placed on the condominium owners, which would be paid to Springwood for the maintenance, upkeep and improvements to the community park. In exchange, Springwood would grant the condominium unit owners the right to use the park area. The letter also stated that Springwood Association along with the Shalimar Development Corporation strongly oppose the staff recommendation that a stub street be developed within the condominium development, which would possibly connect, in the future with Springwood Drive.

Mike Conn, President of the Springwood Community Association appeared before the Commission and supported the proposed rezoning and condominium development, but stated they would need to have further discussions on joining community associations and sharing of the existing private park.

Andy Larue, 923 Cherry Blossom Lane, appeared before the Commission in opposition to the proposed rezoning and development. He stated that his property sits directly behind and adjacent to the proposed development. Mr. Larue stated that there is already poor drainage in the area and that this development can only increase that problem. He stated he is not in favor of the concept, feeling that the development was too dense and that this type of development would devalue the single family residential development in the area.

Steve Herber, 917 Cherry Blossom Lane, appeared before the Commission in opposition. He stated that he is also behind and adjacent to the proposed development. He stated that he concurs with what Mr. Larue stated and wanted to note that he did not want a detention basin adjacent to his property. He felt it would detract from the property as well as devalue the land. He was also concerned that the developer would build the units without buyers and that they would end up with rental units and not owner occupied.

Julius Fingerle, 1419 Springbrook Road, appeared before the Commission in opposition. Mr. Fingerle stated that he felt that this development was not suitable to be placed in an area with all single family development.

In rebuttal Mr. Niezer stated that they feel that they can be an asset in improving the neighborhood park. He stated that they are willing to put capital improvements into the park in order to have the right for the owners in Shalimar development to use the park. He stated that these units will not have that many children. He stated that these are two bedroom units and not likely to be bought by large families. He stated that the developer has no intention of building the units before they are sold. They will be built as they are purchased. He stated that the detention pond in the rear is not going to be one that has standing water in it. It will hold water only during overflow periods, such as times of heavy rains. He stated that it should be remembered that this is not an

apartment complex but that these units are single family units. They are only being built as condominiums because the land will be owned buy the association.

Steve Smith asked if it would be economically feasible to reduce the density of the project by 10 or 15 units.

Mr. Niezer stated that it would not. It would make the development economically impossible to construct.

Greg Purcell, Executive Director of Community & Economic Development questioned if the developer had a definitive agreement with the Springwood Community Association regarding the use of the park.

Mr. Niezer stated that they did not, but that they are working on that agreement.

Mark Gensic expressed his concerns with potential emergency vehicle access to the development due to the private street length. He suggested that the developer should consider a possible access to be aligned with Springwood Drive for emergency vehicle use.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning or primary development plan.

CASE NO. #512

Map No. N-42
LW 5-21-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 9, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-06-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 15, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

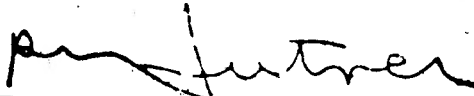
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 22, 1992.

Certified and signed this
23rd day of June 1992.



Robert Hutner
Secretary

Kerry D. Dickmeyer of Coil & Dickmeyer, agent for the property owner (Richard and Jane Bidlack) request a change of zone from R-2 to RA.

Location: 900 E. Cook Road, immediately west of Shawnee School

Legal: Lot C of A. F. Smith's Subdivision

Land Area: Approximately 7.6 acres.

Zoning: Currently R-2

Surroundings: North R-1 Single Family
South RA Single Family
East R1/RA School
West RA/R1 Single Family & Florist

Reason for Request: Future condominium development.

Neighborhood Assoc.: Springwood

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This project is located within the North Sector of the Outer Ring. The goal in the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area.

The North Sector is primarily suited for residential development. However, the area can also accommodate some commercial developments. Any shopping centers of a community, metropolitan, or regional nature should locate within or near existing or approved commercial developments.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This parcel is currently zoned R-2. At one time the front of the parcel was zoned R-1 and the rear zoned RA. The parcel was

rezoned to R-2 in 1988 by Common Council, although the planning staff and the Plan Commission recommended a "Do Not Pass". The physical configuration of the parcel has placed some limitations on possible developed of the site. The parcel is extremely long and narrow, with limited access potential. The immediate area is primarily single family residential, with two schools, a private park, and a non-conforming greenhouse / florist in the vicinity.

The requested RA designation allows the potential for more flexibility in development proposals. Multi-family and condominium developments could be acceptable based on an approved development plan. While traditional single family development would best compliment the existing development pattern, the physical constraints of the parcel have a serious impact on possible development.

Recommendation: Do Pass for the following reasons:

- 1) Approval would allow the highest and best use of the parcel considering its physical dimensions;
- 2) Approval would be consistent with existing zoning designations in the area, while not excluding traditional development.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its REGULAR Session, held on 14th day of JULY, 19 92, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 15th day of July, 19 92.

Sandra E. Kennedy
City Clerk